

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
MCALLEN DIVISION**

ROBERT R. FLORES

Plaintiff,

v.

ROBERT W. BERLETH, et al,

Defendants.

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Civil Action File No.

7:24-cv-00271

**SUPPLEMENTAL RESPONSE TO DEFENDANT DEREK LOETZERICH'S
MOTION FOR CONTEMPT AND REUEST TO SET ASIDE ORDER DEEMING
PLAINTIFF AS A VEXATIOUS LITIGANT**

TO THE HONORABLE UNITED STATES DISTRICT COURT JUDGE CRANE:

1. Document 22 page 7 specifically states:

“Plaintiff is hereby ENJOINED from filing, in any state or federal court in Texas, any further lawsuits concerning the divorce proceedings of Defendant Heather Renee Slagle and third-party David Gordon Mayes, or any related matters, unless Plaintiff first obtains permission from the court where he wishes to file suit. Furthermore, should Plaintiff seek that permission, he must provide a copy of this Order and must post a security bond, upon filing of any litigation, to indemnify Defendants against litigation costs. This injunction shall extend to any corporation or business in which Plaintiff has any substantial ownership interest.”

2. Plaintiff has not filed , in any state or federal court in Texas, any further lawsuits concerning the divorce proceedings of Defendant Heather Renee Slagle and third-party David Gordon Mayes, or any related matters.

3. In cause of action C-3838-24-F, Plaintiff is the counsel of record, not a party in the matter.

4. The aforementioned cause of action does not concern divorce proceedings regarding Hether Renee Slagle and David Gordon Mayes.

5. The aforementioned cause of action does not involve any corporation or business in which Plaintiff has any substantial ownership interest.

6. The Motion for Contempt was filed into the Bosque County cause of action, not this action.

7. Movant Loetzerich has made misrepresentations as to the litigant in the forementioned cause of action to which the litigant will testify to at the December 10, 2024 hearing should the need arise.

8. Berleth made material misrepresentations to the court in his pleadings that the children resided in Bosque County for “180 days” prior to filing of his action.

9. The portion of the ECF No. 22 deeming Plaintiff as a vexatious litigant within the District should be heard and set aside. *Baum v. Blue Moon Venturres, LLC*, No. 06-20386, 06-20446, Fifth Circuit 2008.

10. WHEEFORE, PREMISES CONSIDERRED, the motion for contempt filed by Derek Loetzerich should be denied.

Respectfully submitted,



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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document was served upon the counsel of record listed below by the Southern District of Texas ECF method on November 21, 2024.

Derek W Loetzerich derek@loetzerichlaw.com

Robert W Berleth rberleth@berlethlaw.com

Scot M Graydon scot.graydon@oag.texas.gov

Signed,

A handwritten signature in blue ink, appearing to read "Robert R. Flores", is written over a faint, light blue circular watermark that contains the text "eScriber".

Robert R. Flores